

1. Requested Motion:

Meeting Date: April 18, 2011

The Town of Fort Myers Beach agrees, by joint resolution with Lee County, to participate in the Community Development Block Grant (CDBG) program for federal fiscal years 2011, 2012 and 2013.

Why the action is necessary:

The County agrees to allocate certain funds to the Town for qualified activities.

What the action accomplishes:

This action authorizes the Town to enter into a joint resolution with Lee County.

2. Agenda:

☒ Consent
☐ Administrative

3. Requirement/Purpose:

☒ Resolution
☐ Ordinance
☐ Other:

4. Submitter of Information:

☐ Council
☐ Department:
☐ Town Attorney

5. Background:

The Community Development Block Grant is a federal program administered by HUD (U.S. Housing and Urban Development). The program provides grant funds to local and state governments to develop and expand programs for low to moderate income residents.


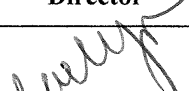
6. Alternative Action:

None.

7. Management Recommendations:

Authorize participation in the CDBG program for FY 2011, 2012 and 2013

8. Recommended Approval:

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Town Clerk
					

9. Council Action:

☐ Approved ☐ Denied ☐ Deferred ☐ Other

LEE COUNTY RESOLUTION NO _____

A JOINT RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE TOWN OF FORT MYERS BEACH PERTAINING TO THE MUNICIPALITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, FEDERAL FISCAL YEARS 2011, 2012, AND 2013, PROVIDING FOR CERTAIN COMMITMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Housing and Community Development Act of 1974, as amended, makes provisions whereby counties may enter into cooperation agreements with certain units of government to carry out activities which will be funded from annual CDBG entitlement grant; and

WHEREAS, the cooperation of the Town of Fort Myers Beach and County is essential for the successful planning and implementation of the CDBG Program under an "Urban County" designation by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, this Resolution covers the period necessary to carry out activities which will be funded from appropriations for the federal fiscal years 2011, 2012, and 2013 for which Lee County is to qualify and from any program income generated from the expenditure of such funds, including such additional time as may be required for the expenditure of any such funds granted to the Town of Fort Myers Beach; and

WHEREAS, the Town of Fort Myers Beach, Florida and the Lee County Board of County Commissioners agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing; and

WHEREAS, the Town of Fort Myers Beach agree to use its powers in the carrying out of the essential activities in accordance with the Urban County's Program; and

WHEREAS, the Lee County Board of County Commissioners and the Town of Fort Myers Beach agrees to take all necessary actions to comply with the certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974 and other applicable laws; and

WHEREAS, pursuant to 24 CFR 570.501(b), the Town of Fort Myers Beach is subject to the same requirements applicable to subrecipients, including the requirement for a written agreement set forth in 24 CFR 570.503; and

WHEREAS, the Town of Fort Myers Beach has opted to be included in the Urban County Program for three years and agrees to abide by the Urban County Cooperative Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of Town of Fort Myers Beach Lee County, Florida and the Lee County Board of County Commissioners agree to participate in the CDBG Program for Federal Fiscal Years 2011, 2012, and 2013.

- a.* The County agrees to allocate to the Town of Fort Myers Beach the annual entitlement allocation for the City as determined by the Secretary of HUD for fiscal years 2011, 2012, and 2013.

- b. The County shall authorize the Town of Fort Myers Beach to use the aforementioned CDBG funds to implement its CDBG program activities provided such activities are in accordance with the Lee County Consolidated Plan and HUD regulations. In conformance with the Lee County Consolidated Plan, the Town of Fort Myers Beach will propose projects for inclusion in each year's Annual Plan which conform to 24 CFR 570 Subpart C and specifically, which conform to the following eligible activity types: Acquisition of Real Property (24 CFR 570.201(a)); Public Facilities and Improvements (24 CFR 570.201(c)); Clearance and Demolition (24 CFR 570.201(d)); Public Services (24 CFR 570.201(e) (The amount of CDBG funds used for Public Service activities cannot exceed 15% of the municipality's annual entitlement unless agreed to by the County)); Construction of Housing (under limited circumstances as defined in regulations) (24 CFR 570.201(m)); Direct Homeownership Assistance (24 CFR 570.201(n)); Rehabilitation - Single Unit Residential (24 CFR 570.202); Rehabilitation - Multi Unit Residential (24 CFR 570.202); Acquisition - for Rehabilitation (24 CFR 570.202); Rehabilitation Administration (24 CFR 570.202); and Code Enforcement (24 CFR 570.202(c)). Projects identified for other eligible activity types must be agreed to by the County. The amount of funds allocated to a specific activity may not be less than \$20,000 unless agreed to by the County.
- c. The County has final responsibility for selecting CDBG program activities and annually filing the Final Statements with HUD. The County agrees to provide staff and technical assistance to the Town of Fort Myers Beach for reasonable

activities in the planning, implementation, administration, and reporting of CDBG projects. The County will charge the municipality a general administrative operating fee, not to exceed 20% of the City's total entitlement. The general administrative operating fee will be based on the actual program administration rate of the County's previous fiscal year.

- d.* The County will notify the Town of Fort Myers Beach by December 31 of each year, the estimated amount of the City's allocation and the general administrative operating fee for the upcoming October 1, fiscal year.
- e.* By March 1 of each year, the Town of Fort Myers Beach shall send a list of proposed activities to the County for an eligibility determination.
- f.* By April 30 of each year, the Town of Fort Myers Beach will officially notify the County in writing of how the funds will be allocated, in accordance with Section 1. (b).
- g.* The Town of Fort Myers Beach agrees to expend funds from the yearly entitlement allocation within 18 months of the first day of October of each entitlement program year. If the Town fails to expend funds within the 18 month time frame, the County has the right to expend these funds in accordance with HUD timeliness guidelines.
- h.* CDBG funds will be utilized through one of the following mechanisms:
 - 1. A program or activity administered directly by the municipality.
 - 2. A program or activity administered by a not for profit organization with IRS 501(c)3 status. The municipality must enter into a formal written agreement with

the sub recipient, which includes all regulatory requirements found in 24 CFR 570.

3. A Memorandum of Understanding (MOU) to purchase services provided by Lee County such as housing rehabilitation. The municipality will enter into an MOU with the appropriate County department.

The County will enter into a contract with the Town of Fort Myers Beach for programs or activities directly administered by the municipality or provided by a subrecipient. The municipality and all subrecipients are subject to all CDBG regulatory and programmatic requirements. The Town of Fort Myers Beach will provide all County and HUD-required documentation and designate a staff person responsible for meeting all HUD reporting and performance requirements.

- i. The Town of Fort Myers Beach is responsible to meet all required timeframes as identified by the County in order for the County to report to HUD as required. Failure to provide required reporting documents to meet all required timeframes as designated by the County may result in the County assessing a fine. The County will be responsible for the overall administration including, but not limited to the HUD Consolidated Plan, performance reports, and management of the CDBG program in accordance with the applicable HUD regulations. Any disputes between the Town of Fort Myers Beach and County regarding any other issues not required to meet the conformance of the HUD program may be resolved by the Board of County Commissioners and the Council of Town of Fort Myers Beach. In the event that the dispute cannot be resolved between the Board

of County Commissioners and the Council of the Town of Fort Myers Beach, Chapter 164, Florida Statutes regarding dispute resolution shall be applicable.

- j.* The Town of Fort Myers Beach agrees to abide by all HUD regulations in regard to real property acquired or improved in whole or in part using the CDBG funds and to notify the County in writing prior to disposition of or transfer of real property. Any program income generated from the disposition or transfer of property shall be paid to the County.
- k.* The Town of Fort Myers Beach will hold the County harmless for any expenditures that are made by the Town of Fort Myers Beach or any subrecipient agency. The Town of Fort Myers Beach will reimburse the County for any HUD entitlement funds that are expended by the Town of Fort Myers Beach or any subrecipient agency that do not conform to HUD or County guidelines along with any fines, penalties, or legal costs incurred as a result of such action.

Section 2. The Mayor and /or Chairman is hereby authorized to sign this Joint Resolution and the Town Clerk to attest to same.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

IN WITNESS WHEREOF, the County and the Town have executed this agreement as of the date first written above.

Town of Fort Myers Beach

COUNTY: LEE COUNTY

BY: _____

BY: _____

Signature of Authorized Officer

Signature of Authorized Officer

Title

Board of County Commissioners
Title

Date

Date

ATTEST: TOWN CLERK

ATTEST: CLERK OF CIRCUIT COURT

BY: _____

BY: _____

APPROVED AS TO FORM

APPROVED AS TO FORM

BY: _____
Town Attorney's Office

BY: _____
County Attorney's Office